

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As below named inventors, we declare that:

Our residences, post office addresses and citizenships are as stated below next to our names.

We believe that we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: MECHANICAL HOUSING; the specification of which is filed herewith.

We have reviewed and understand the contents of the above-identified specification, including the claims.

We acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 (see attached page3).

We claim foreign priority benefits under 35 U. S.C. § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached

We claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)
60/246,174	11/06/2000

We claim the benefit under 35 U.S.C. § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in Title 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. or PCT Application Number	Filing Date (MM/DD/YYYY)	Patent No.

As named inventors, we appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith, with full right of substitution:

Name	Registration Number	Name	Registration Number
Fogg, David N.	Reg. No. 35,138	Polglaze, Daniel J.	Reg. No. 39,801
Leffert, Thomas W.	Reg. No. 40,697	Slifer, Russell D.	Reg. No. 39,838
Lundberg, Scott V.	Reg. No. 41,958	Walseth, Andrew C.	Reg. No. 43,234
Myrum, Tod A.	Reg. No. 42,922		

Please direct all correspondence in this case to:

Fogg, Slifer & Polglaze, P.A.
P.O. Box 581009, Minneapolis, MN 55458-1009
Telephone No. (612) 252-0014
Fax (612) 252-0019

We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor No. 1

Given Name (First and Middle, if any)		Family Name or Surname	
Gary		GUSTINE	
Inventor's Signature	Date		
	3/2/01		
Residence City	Bonham	State	TX
Post Office Address	Route 1 Box 287A		
City	Bonham	State	TX
Zip	75418	Country	USA

Inventor No. 2

Given Name (First and Middle, if any)		Family Name or Surname	
Charles G		HAM	
Inventor's Signature	Date		
	2-19-01		
Residence City	Mound	State	MIN
Post Office Address	4717 Hampton Road		
City	Mound	State	MIN
Zip	55364	Country	USA

Inventor No. 3

Given Name (First and Middle, if any)		Family Name or Surname	
Michael		SAWYER	
Inventor's Signature	Date		
Residence City	Riverview	State	FL
Post Office Address	11426 Smokehorn Drive		
City	Riverview	State	FL
Zip	33569	Country	USA

Inventor No. 4

Given Name (First and Middle, if any)		Family Name or Surname	
Paul		DANIELS	
Inventor's Signature	Date		
Residence City	Horal City	State	IL
Post Office Address	10551 East Dollarsa Court		
City	Horal City	State	IL
Zip	62436	Country	USA

Inventor No. 5

Given Name (First and Middle, if any)		Family Name or Surname	
Michelle		BISHOP	
Inventor's Signature	Date		
Residence City	Mission Viejo	State	CA
Post Office Address	27461 Monro Drive		
City	Mission Viejo	State	CA
Zip	92692	Country	USA

We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor No. 1							
Given Name (First and Middle (if any))				Family Name or Surname			
Gary				GUSTINE			
Inventor's Signature						Date	
Residence City	Bonham	State	TX	Country	USA	Citizenship	USA
Post Office Address	Route 1 Box 281A						
City	Bonham	State	TX	Zip	75418	Country	USA

Inventor No. 2							
Given Name (First and Middle (if any))				Family Name or Surname			
Charles G.				HAM			
Inventor's Signature						Date	
Residence City	Mound	State	MN	Country	USA	Citizenship	USA
Post Office Address	4717 Hampton Road						
City	Mound	State	MN	Zip	55364	Country	USA

Inventor No. 3							
Given Name (First and Middle (if any))				Family Name or Surname			
Michael				SAWYER			
Inventor's Signature						Date	
Residence City	Riverview	State	FL	Country	USA	Citizenship	USA
Post Office Address	11426 Simkethorn Drive						
City	Riverview	State	FL	Zip	33569	Country	USA

Inventor No. 4							
Given Name (First and Middle (if any))				Family Name or Surname			
Frederick				DANIELS			
Inventor's Signature						Date	
Residence City	Floral City	State	FL	Country	USA	Citizenship	USA
Post Office Address	10155 East Ballaresa Court						
City	Floral City	State	FL	Zip	34436	Country	USA

Inventor No. 5							
Given Name (First and Middle (if any))				Family Name or Surname			
Michelle				BISHOP			
Inventor's Signature						Date	
Residence City	Mission Viejo	State	CA	Country	USA	Citizenship	USA
Post Office Address	24461 Mondo Drive						
City	Mission Viejo	State	CA	Zip	92692	Country	USA

Attorney Docket No. 100.147US01

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We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor No. 1

Given Name (First and Middle (if any))				Family Name or Surname			
Gary				GUSTINE			
Inventor's Signature						Date	
Residence City	Bonham	State	TX	Country	USA	Citizenship	USA
Post Office Address	Route 1 Box 224A-7						
City	Bonham	State	TX	Zip	75418	Country	USA

Inventor No. 2

Given Name (First and Middle (if any))				Family Name or Surname			
Charles G.				HAM			
Inventor's Signature						Date	
Residence City	Mound	State	MIN	Country	USA	Citizenship	USA
Post Office Address	4717 Hampton Road						
City	Mound	State	MIN	Zip	55364	Country	USA


Inventor No. 3

Given Name (First and Middle (if any))				Family Name or Surname			
Michael				SAWYER			
Inventor's Signature						Date	
Residence City	Riverview	State	FL	Country	USA	Citizenship	USA
Post Office Address	11126 Smokehouse Drive						
City	Riverview	State	FL	Zip	33569	Country	USA

Inventor No. 4

Given Name (First and Middle (if any))				Family Name or Surname			
Frederick				DANIELS			
Inventor's Signature						Date	
Residence City	Floral City	State	FL	Country	USA	Citizenship	USA
Post Office Address	10155 East Dellarosa Court						
City	Floral City	State	FL	Zip	32436	Country	USA

Inventor No. 5

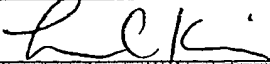
Given Name (First and Middle (if any))				Family Name or Surname			
Michelle				BISHOP			
Inventor's Signature						Date 3/8/01	
Residence City	Mission Viejo	State	CA	Country	USA	Citizenship	USA
Post Office Address	27461 Morris Drive						
City	Mission Viejo	State	CA	Zip	92692	Country	USA

Attorney Docket No. 100.147US01

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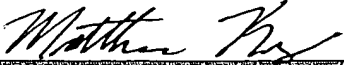
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Inventor No. 6							
Given Name (First and Middle, if any)				Family Name or Surname			
Name				KING			
Inventor's Signature						Date	
						2/7/01	
Residence City	Dallas	State	TX	Country	USA	Citizenship	USA
Post Office Address	17409 Oakington Court						
City	Dallas	State	TX	Zip	75252	Country	USA

Inventor No. 7							
Given Name (First and Middle, if any)				Family Name or Surname			
Matthew				KINZ			
Inventor's Signature						Date	
Residence City	Minneapolis	State	MN	Country	USA	Citizenship	USA
Post Office Address	231 19 th Avenue South						
City	Minneapolis	State	MN	Zip	55407	Country	USA

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Inventor No. 6							
Given Name (First and Middle, if any)				Family Name or Surname			
Ianc				KING			
Inventor's Signature						Date	
Residence City	Dallas	State	TX	Country	USA	Citizenship	USA
Post Office Address	12409 Oakington Court						
City	Dallas	State	TX	Zip	75262	Country	USA

Inventor No. 7							
Given Name (First and Middle, if any)				Family Name or Surname			
Matthew				KUSZ			
Inventor's Signature						Date	2-19-01
Residence City	Minneapolis	State	MN	Country	USA	Citizenship	USA
Post Office Address	1951 19 th Avenue South						
City	Minneapolis	State	MN	Zip	55407	Country	USA

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§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) it refutes, or is inconsistent with, a position the applicant takes in:
 - (i) opposing an argument of unpatentability relied on by the Office, or
 - (ii) asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.